

CRITCHLEY, KINUM & DeNOIA, LLC
ATTORNEYS AT LAW
75 LIVINGSTON AVENUE - SUITE 303
ROSELAND, NEW JERSEY 07068

MICHAEL CRITCHLEY
MICHAEL CRITCHLEY, JR.
CHRISTOPHER W. KINUM
EDMUND DeNOIA
AMY LURIA

CHRISTOPHER L. FOX

(973) 422-9200

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FAX: (973) 422-9700
web site: www.critchleylaw.com

January 3, 2019

Via Certified Mail and E-mail: [REDACTED]@gmail.com

Mayor Steven Fulop
Jersey City Mayor's Office
280 Grove Street
Jersey City, NJ 07302

Re: Contemplated Legal Action: Executive Director James McGreevey v. Mayor Steven Fulop and Chairman Sudhan Thomas

Dear Mayor Fulop:

It is my understanding that you are contemplating taking prospective actions against James McGreevey, Executive Director, Jersey City Employment and Training Program (JCEPT). Your contemplated actions, if carried out, would be in contravention of the Conscientious Employee Protection Act (CEPA), *N.J.S.A. § 34:19-1, et seq.*, New Jersey's "Whistleblower Act." Specifically, CEPA prohibits employers from taking retaliatory action against an employee for statutorily protected conduct.

The apparent basis for your contemplated retaliatory action against Executive Director McGreevey is the termination of Mr. Eugene McKnight's employment with JCEPT. You appointed Mr. McKnight as the political Ward Leader of Jersey City's Ward F political district. In this capacity, Mr. McKnight directed political operations for both municipal council elections and your mayoral election.

In or around early 2018, Executive Director McGreevey and former JCETP Chairman Roger Jones warned Mr. McKnight on multiple occasions that he was to refrain from forming political associations and collecting monies from former or present JCETP clients while employed by JCETP. After these warnings, it came to the attention of Executive Director McGreevey and former Chairman Jones that Mr. McKnight may have formed a political association for the purpose of collecting cash payments from former and present JCETP clients, while advancing your political interests. They then promptly requested a meeting with Mr. McKnight.

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On Friday, March 2, 2018, Executive Director McGreevey and former Chairman Jones met with Mr. McKnight to discuss his actions. During this meeting, Mr. McKnight stated that, despite the direct warnings he had received, he had in fact formed a political association and had been collecting dues from former clients, including formerly incarcerated clients. Mr. McKnight further stated that he had collected dues from some former clients that he had directly counseled. Executive Director McGreevey informed Mr. McKnight that JCETP's bylaws expressly prohibited collecting monies from clients and provided a *prima facie* basis for termination for cause.

Mr. McKnight's actions constituted exploitative behavior against reentry clients, was indisputably in direct contravention of JCETP's bylaws, and possibly violated the law. For these reasons, Executive Director McGreevey initiated the termination of Mr. McKnight from JCETP. However, Executive Director McGreevey did not unilaterally decide to terminate Mr. McKnight. Executive Director McGreevey terminated Mr. McKnight after receiving the collective support of former Chairman Jones, Vice Chairman Robert Knapp, and a unanimous vote by the entirety of the Board in favor of Mr. McKnight's termination.

Despite Mr. McKnight's indisputably improper and potentially unlawful behavior, which threatened to harm persons recently released from incarceration, Executive Director McGreevey has subsequently come to understand that you encouraged legal action aimed at interfering with Mr. McKnight's termination in an attempt to have measures taken to preserve Mr. McKnight's employment with JCETP. Encouraging such legal measures was an obvious attempt to counter the necessary action Executive Director McGreevey was forced to take due to Mr. McKnight's highly improper and potentially unlawful activities, *i.e.* Mr. McKnight's termination from JCETP.

Due to the nature of Mr. McKnight's improper actions, Executive Director McGreevey also reported Mr. McKnight's activity to a federal law enforcement agency. Executive Director McGreevey and former Chairman Jones subsequently cooperated with the federal law enforcement agency's investigation into Mr. McKnight's activities.

Upon Mr. McKnight's dismissal from JCETP, you promptly replaced former Chairman Roger Jones with present Chairman Sudhan Thomas. Furthermore, over the course of the next approximately ten months you replaced numerous other JCETP board members. Many of these new board members have an employment or contractual relationship with your administration. Your replacement of the Chairman and several board members with your appointees immediately after Mr. McKnight's termination appear to be an attempt to carry out the objective of acting as your agents to unlawfully retaliate against Executive Director McGreevey. It is further my understanding that some of your newly appointed board members have said same.

Hence, it has been widely acknowledged that you have directed current board members to punish Executive Director McGreevey by terminating him. Your improper actions, if effectuated, would violate CEPA's ban on retaliation for protected employee action, *i.e.* Executive Director McGreevey's justified and proper termination of Mr. McKnight to protect JCETP's clients from intimidation and financial exploitation by Mr. McKnight.

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It is Executive Director McGreevey's understanding that his proper and justified act of terminating Mr. McKnight has resulted in efforts by you, your administration, and your JCETP board appointees to intimidate Executive Director McGreevey and concoct false premises for dismissing him as Executive Director of JCETP. Your contemplated actions would constitute retaliation against Executive Director McGreevey for engaging in statutorily protected behavior in violation of CEPA. Additionally, you, as well as any other individuals involved, could be held personally liable for any retaliation suffered by Executive Director McGreevey.

Additionally, Executive Director McGreevey has apprised you of your administration's failure to secure employment for Jersey City residents on large scale abatement projects in contravention of your administration's obligations. Despite your administration's failure to enforce these obligations and your improper retaliatory efforts against Executive Director McGreevey, it is indisputable that under his leadership JCETP has provided quality services to persons in need of employment, garnered federal and state grants, and set best employment practices for formerly incarcerated persons. JCETP's successful performance under Executive Director McGreevey's leadership is an undeniable fact proven by objective reports and statistics.

As previously set forth in my October 19, 2018 letter, you are under a legal obligation to maintain and preserve any and all documents, materials and information related to this matter. This includes, but is not limited to, all e-mails and text messages with JCETP board members and your administration personnel, both present and former.

Finally, as previously stated, should you or others at your direction effectuate what we believe to be your purely personally motivated desire to terminate Executive Director McGreevey, we will immediately file a complaint against you and others seeking all available remedies for all wrongful actions taken against Executive Director McGreevey.

Please be guided accordingly.

Sincerely,



MICHAEL CRITCHLEY

cc: Executive Director James McGreevy
Chairman Sudhan Thomas
Vice Chairman Robert Knapp
Board Member Rudolph Daniels, Sr.
Board Member Jeremy Farrell
Board Member Stacey Flanagan
Board Member Jacob Hudnut
Board Member Darrell Laval
Board Member Anthony Lewis
Board Member Mark Rowan